

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) WILLIAM H. STOLLER, an  
individual and trustee of the William H.  
Stoller Trust,

Plaintiff,

v.

(1) ROBERT A. FUNK, an individual and  
trustee of the Robert A. Funk Trust; and  
(2) the ROBERT A. FUNK TRUST,

Defendants.

Case No. 5:11-cv-00294-C

**PLAINTIFF'S OBJECTIONS TO  
FUNK DEFENDANTS' FINAL EXHIBIT LIST**

Plaintiff William H. Stoller submits the following objections to the final exhibit list of defendants Robert A. Funk and The Robert A. Funk Trust dated December 24, 2013:

No.	Date	Description	Bates Range	Objections
1.	5/5/1983	Articles of Incorporation of Express Temporary Help Service, Inc. (ESI)		
2.	6/11/1983	ESI Bylaws		
3.	7/8/1983	Amendment to Articles of Incorporation		
4.	11/12/1984	Amendment to ESI Articles of Incorporation		
5.	3/11/1985	Amendment to Articles of Incorporation		
6.	3/13/1985	Restated Articles of Incorporation		
7.	11/30/1989	ESI Statement of Change of Registered office		
8.	3/26/1990	ESI Amendment to Articles of Incorporation		
9.	6/16/1993	Amendment to Articles of Incorporation		

No.	Date	Description	Bates Range	Objections
10.	4/7/1999	Shareholder Agreement		
11.	9/22/2004	Stoller email to Funk		
12.	10/23/2005	Email chain between Stoller and Funk		
13.	3/15/2006	Unanimous Consent of ESI Board		
14.	3/15/2006	Agreement between Bob Funk and Bill Stoller		
15.	3/15/2006	ESI Guaranty		
16.	9/14/2006	Stoller/Funk email chain	FUNK 013039- FUNK 013040	
17.	9/15/2006	Amended & Restated ESI Guaranty		
18.	9/15/2006	ESI Certificate of Officer		Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14.
19.	6/1/2007	Stoller email to Funk	STO211724	
20.	6/1/2007	Unanimous Consent of ESI Board of Directors	ESI 0918696	
21.	6/5/2007	ESI Amended and Restated Guaranty		
22.	6/22/2007	ESI Board Minutes		
23.	9/25/2007	ESI Board Minutes		
24.	11/7/2007	Shareholder Agreement		
25.	12/7/2007	ESI Board Minutes		
26.	1/24/2008	Funk/Stoller emails		Irrelevant
27.	6/17/2008	ESI Board Minutes		
28.	9/17/2008	ESI Board Minutes		
29.	9/22/2008	Stoller/Funk emails	FUNK 001828	Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14
30.	10/1/2008	Stoller/Funk emails	FUNK 026887	Irrelevant
31.	10/9/2008	Stoller/Funk emails	ESI 0766935	Irrelevant
32.	12/5/2008	ESI Board Minutes		
33.	1/4/2009	Stoller/Funk emails	ESI 0790780	

No.	Date	Description	Bates Range	Objections
34.	1/28/2009	Stoller email to Funk	ESI 0771050	
35.	3/1/2009	Stoller/Funk emails	ESI 0790935	
36.	3/12/2009	ESI Board Minutes		
37.	3/26/2009	Stoller/Funk emails		Irrelevant
38.	3/30/2009	Funk email to Stoller		Irrelevant
39.	6/25/2009	ESI Board Minutes		
40.	7/27/2009	Stoller/Funk emails	ESI 0773958	
41.	9/17/2009	Andrea Boutwell letter to Corbyn	FUNK_E_016202	
42.	9/22/2009	Rupert email to Rawlinson & Corbyn	FUNK_E_014005	Hearsay
43.	9/22/2009	Corbyn letter to Rupert & Morgan	ESI 0421481	Irrelevant; Hearsay; Incomplete
44.	9/23/2009	Corbyn email to Rawlinson	FUNK_E_014103	Irrelevant; Hearsay
45.	9/23/2009	Rawlinson/Corbyn/Rupert emails		Irrelevant
46.	9/24/2009	Corbyn/Rawlinson email chain	FUNK_E_014136- FUNK_E_014137	Irrelevant
47.	9/24/2009	Rupert email to Rawlinson & Corbyn	ESI 0962447	Irrelevant; Hearsay
48.	9/26/2009	Rawlinson email to Rupert	FUNK_E_014130	Irrelevant
49.	10/30/2009	Corbyn email to Rupert & Morgan	FUNK_E_013742- FUNK_E_013752	Hearsay
50.	10/30/2009	Corbyn email to Morgan & Rupert	FUNK_E_013753- FUNK_E_013756	Irrelevant; Hearsay
51.	12/3/2009	Rupert letter to Rawlinson	ESI 0424864- ESI 0424865	Irrelevant; Hearsay
52.	12/3/2009	Rupert email to Tom Richards, Fellingier, Craig	JCRAIG 000455- JCRAIG 000458	
53.	12/4/2009	ESI Board Minutes		
54.	12/4/2009	Executive Committee Meeting		
55.	12/4/2009	Rupert & Morgan report to ESI Board		
56.	12/10/2009	Merkley letter to Rupert & Morgan, copying in Rawlinson		Irrelevant; Hearsay
57.	2/3/2010	Board of Directors Meeting Minutes		
58.	2/3/2010	Annual Shareholder Meeting Minutes		

No.	Date	Description	Bates Range	Objections
59.	2/16/2010	Rawlinson email to Rupert	FUNK E 013061	
60.	3/5/2010	Rupert email to Rawlinson & Corbyn	ESI 0954786	Hearsay
61.	3/10/2010	Richards email to Funk	FUNK 001829	
62.	3/11/2010	ESI Board Minutes		
63.	3/24/2010	Craig/Morgan/Rawlinson/Corbyn email chain	JCRAIG 000497	
64.	4/14/2010	Minutes of ESI Board Special Meeting		Irrelevant; best evidence
65.	6/22/2010	Funk Memorandum to ESI Employees and Franchisees		Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14
66.	6/28/2010	Minutes of ESI Special Board Meeting		Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14
67.	7/2/2010	Rupert email to Corbyn, Rawlinson, Craig & Chilton	ESI 0955332	Irrelevant; Hearsay
68.	7/8/2010	Stoller email to Funk & Fellingner	ESI 0960216	Irrelevant
69.	9/10/2010	Stoller/Funk emails	ESI 0785552	
70.	9/15/2010	ESI Board Minutes		
71.	10/12/2010	Judge Cauthron Order Dismissing Stoller's Complaint		Irrelevant
72.	10/15/2010	Funk email to Franchisees re: Legal Update	ESI 0876385	Irrelevant; Hearsay
73.	11/12/2010	Ben Voss Email and Report		
74.	11/23/2010	Voss email to parties		
75.	12/3/2010	Crowe Recommendations to the ESI Board of Directors		
76.	12/16/2010	Ramey email to all parties	STO 208416	
77.	12/22/2010	Approved Resolutions (Meeting of the Board of Directors)		
78.	1/4/2011	Email from Cole Ramey to All Counsel	STO 0207244-STO 0207273	
79.	1/11/2013	Ramey email to all counsel		

No.	Date	Description	Bates Range	Objections
80.	2/23/2011	Resolutions Approved at ESI Annual Meeting of Board of Directors on 2-23-11		Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14
81.	4/28/2011	Board of Directors Meeting Minutes		
82.	4/28/2011	Board of Directors Executive Session Minutes		
83.	6/22/2011	Board of Directors Executive Session Minutes		
84.	9/22/2011	ESI Board of Directors Meeting Minutes		
85.	11/8/2011	ESI, ESI of Canada, Express Holdings IV and Express Holdings V Special Board of Directors Meeting Minutes		
86.	12/2/2011	Chief Financial Officer's Report to the Board of Directors		Authenticity; irrelevant; hearsay
87.	12/15/2011	ESI Board of Directors Meeting Agenda & Minutes		
88.	2/1/2012	ESI Special Meeting of the Board of Directors Minutes		Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14
89.	9/19/2012	ESI Board of Directors Meeting Agenda & Minutes		
90.	9/19/2012	ESI Board of Directors Executive Session Agenda & Minutes		
91.	3/22/2012	Board of Directors Meeting Transcript Summary Index; Transcript of recording of the meeting (Deposition Exhibit No. 14)	STO209620-STO209624; STO209708-STO209713	
92.	5/28/2010	Summary of Interview Notes for Executive Compensation Review (Deposition Exhibit No. 15)	STE0097495-STE0097502	Hearsay; Authenticity

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
93.	11/12/2010	Letter from Voss to Funk and Stoller, copying Rupert, Rawlinson, Gardner RE: Executive Market Compensation Analysis (Deposition Exhibit No. 16)	STE0031584-STE0031590	Hearsay
94.	12/03/2010	Email from Rupert to Cole Ramey, Robinson, Oliver Howard, Corbyn, Terry Tippens RE: ESI—Recommendations (Deposition Exhibit No. 18)	STO203260-STO203270; ESI0005264	
95.	12/14/2010	Letter from Rupert and Morgan to Craig and Fellinger RE: Express Services, Inc. (Deposition Exhibit No. 19)	JCRAIG000531-JCRAIG000541	
96.	12/22/2010	Promissory Note between Express Services, Inc. and Robert A. Funk and the Robert A. Funk Trust (Deposition Exhibit No. 20)	ESI0005232-ESI0005263	
97.	12/22/2010	Promissory Note between Express Services, Inc. and Robert A. Funk and the Robert A. Funk Trust (Deposition Exhibit No. 21)	ESI0005265-ESI0005296	
98.	1/1/2011	Promissory Note between Express Services, Inc. and Robert A Funk and the Robert A. Funk Trust (Deposition Exhibit No. 22)	ESI0005297-ESI0005329	
99.	11/7/2007	Shareholders' Agreement between Express Services, Inc., the Robert A Funk Trust, and the William H. Stoller Trust (Deposition Exhibit No. 24)	STO200709-STO200729	
100.	6/11/1983	By-laws of Express Temporary Service, Inc. (Deposition Exhibit No. 25)	STO200182-STO200195	
101.	9/17/2008	Minutes from quarterly board meeting of Express Services, Inc. (Deposition Exhibit No. 26)	STE0067291-STE0067296	

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
102.	10/1/2008	Email chain communication from Cina Gailey to Funk and Carol Lane RE: Announcement; Funk forwarded to Stoller (Deposition Exhibit No. 27)	STE0035079- STE0035081	
103.	12/10/2008	Letter from Funk to Fellingner RE: continued service as a consultant for Express (Deposition Exhibit No. 28)	STE0067442	
104.	1/12/2009	Email chain communication from Tom Richards to Sharon Patric and Fellingner RE: Please pay on 1/15; response from Fellingner (Deposition Exhibit No. 29)	ESI0856170	
105.	3/12/2009	Minutes from Express Services, Inc. Board Meeting (Deposition Exhibit No. 31)	ESI0003815- ESI0003819	
106.	6/25/2009	Minutes from Express Services, Inc. Board Meeting (Deposition Exhibit No. 33)	ESI0003715- ESI0003719	
107.	12/9/2009	Letter from Funk to Fellingner RE Amendment to 2008 letter (Deposition Exhibit No. 37)	ESI0000648	
108.	3/10/2010	Employment Agreement between Express Services, Inc. and Fellingner (Deposition Exhibit No. 38)	STO200805- STO200819	
109.	12/22/2010	Express Services, Inc. Resolution for Meeting of Board of Directors RE: Treatment of Costs Related to Health Insurance (Deposition Exhibit No. 42)	STO204044	
110.	12/22/2010	Express Services, Inc. Resolution for Meeting of Board of Directors RE: Workers Compensation Payments (Deposition Exhibit No. 43)	STO204040	

No.	Date	Description	Bates Range	Objections
111.	12/26/2010	Express Financial Reports as of December 16, 2010, distributed to Bostwick, Sharon Patric, Board Members and Vice Presidents (Deposition Exhibit No. 46)	STE0052219-STE0052282	Irrelevant
112.	12/27/2009	Shortfall Report Balances (Deposition Exhibit No. 47)	STO200800-STO200804	
113.	8/3/2009	Demand letter from Rawlinson to Funk, Stoller, Fellingner, Richards, Keating, Gibson, Gillogly (Deposition Exhibit No. 48)	STO200952-STO200957	
114.	1/1/2006	Agreement between Funk and Express Services, Inc. (Deposition Exhibit No. 50)	ESI0000880	
115.	9/25/2009	Email from Morgan to Corbyn, copying Rupert, Richards and Fellingner RE: UU Bar, Forwarded to Craig (Deposition Exhibit No. 52)	ESI0953921	
116.	12/26/2004	Shareholder Advance Balances as of December 26, 2004 (Deposition Exhibit No. 57)	ESI0005429-ESI0005434	
117.	12/31/2005	Shareholder Advance Balances as of December 31, 2005 (Deposition Exhibit No. 58)	STE0070868-STE0070874	
118.	6/7/2006	Email from Richards to Stoller RE: Shareholder Advance Balances (Deposition Exhibit No. 59)	STE0070818; STE0070827-STE0070834	
119.	12/31/2006	Shareholder Advance Balances as of December 31, 2006 (Deposition Exhibit No. 60)	STE0085677-STE0085682	
120.	12/31/2007	Shareholder Advance Balances as of December 31, 2007 (Deposition Exhibit No. 61)	STE0062649-STE0062654	
121.	12/31/2008	Shareholder Advance Balances as of December 31, 2008 (Deposition Exhibit No. 62)	STO211093-STO211099	



<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
122.	6/14/2009	Shortfall Report Balances as of June 14, 2009 (Deposition Exhibit No. 63)	STO200865-STO200870	
123.	9/30/2009	Email from Funk to Jarold Callahan RE: Revised Shortfall Report (Deposition Exhibit No. 64)	FUNK_E_002732-FUNK_E_002733	
124.	3/23/2010	Email from Carol Fegatter to Gardner RE: 12/27/09 Shortfall Report, forwarded to Patric and Fellingner (Deposition Exhibit No. 65)	ESI0005389-ESI0005390	
125.	3/12/2013	First Amended and Restated Promissory Note between Express Services, Inc. and Robert A. Funk and the Robert A. Funk Trust (Note No. 1) (Deposition Exhibit No. 68)	M-ESI-004058-M-ESI004062	
126.	3/12/2013	First Amended and Restated Promissory Note between Express Services, Inc. and Robert A. Funk and The Robert A. Funk Trust (Note No. 2) (Deposition Exhibit No. 69)	M-ESI-004063-M-ESI-004067	
127.	3/12/2013	First Amended and Restated Promissory Note between Express Services, Inc. and Robert A. Funk and The Robert A. Funk Trust (Note No. 3) (Deposition Exhibit No. 70)	M-ESI-004068-M-ESI-004072	
128.	12/31/2012	Stock Pledge Agreement between Robert A. Funk, The Robert A. Funk Trust (Borrowers), Express Development Corporation, Inc. and Express Development II, LLC (Lenders) (Deposition Exhibit No. 71)	STO212562-STO212570	

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
129.	3/12/2013	Second Lien Mortgage, Assignment of leases and Rents, Security Agreement and Fixture Filing (Deposition Exhibit No. 72)	ESI0982790-ESI0982795	
130.	3/12/2013	Stock Pledge Agreement between Robert A. Funk and the Robert A. Funk Trust collectively and Express Services, Inc. (Deposition Exhibit No. 73)	ESI0982796-ESI0982805	
131.	4/2/2010	Email chain communication between Bostwick, Funk and Dana Miller; various letters and certifications that Funk lacked resources to make due payments on the UU Bar Ranch loan (Deposition Exhibit No. 78)	ESI0782351; FUNK_E_016189; ESI0784007; ESI0786066; FUNK_E_003589; FUNK_E_016191; FUNK_E_000949; FUNK_E_016193; FUNK_E_016194; FUNK_E_000946; FUNK_E_016196; FUNK_E_001387; FUNK_E_001017; FUNK_E_001354	
132.	6/5/2007	Amended and Restated Guaranty between Express Services (Guarantor) and Rabo Agrifinance, Inc. (Lender) (Deposition Exhibit No. 79)	000995-000999	
133.	11/9/2010	Email chain communication from Terri Weldon to Charles Atkinson RE; Bill Stoller-Card Key (Deposition Exhibit No. 81)	ESI0608239	
134.	12/22/2010	Resolution of the Board of Directors of Express Services, Inc. (Deposition Exhibit No. 86)	REF04921-REF04922	
135.	3/1/2010	Employment Agreement between Express Services, Inc. and Bostwick (with handwritten note) (Deposition Exhibit No. 89)	STO200846-STO00856	

No.	Date	Description	Bates Range	Objections
136.	6/11/2004	Email from Richards to Stoller RE: Shareholder Advances; Shareholder Advance Balances attached (Deposition Exhibit No. 92)	STE0064080-STE0064085	
137.	12/31/2008	Balances as of December 31, 2008 (Deposition Exhibit No. 93)	ESI0406734-ESI0406740	
138.	8/2004; 8/2005; 5/2006; 9/2009	The Stoller Group expenses (Deposition Exhibit No. 94)	ESI0262493; ESI0262497; ESI0262455; ESI0262520	Irrelevant
139.	5/28/2010	Email from Voss to Stoller and Funk copying Gardner, Rawlinson and Rupert RE: Preliminary Mercer Interview Summary (Deposition Exhibit No. 95)	STE0067629-STE0067637	
140.	7/12/2011	Email chain communication between Stoller and Bostwick RE: Meetings this week (Deposition Exhibit No. 96)	STE0017872	
141.		Handwritten letter from Stoller to Funk (Deposition Exhibit No. 97)	STO211762-STO211763	Irrelevant
142.	9/22/2004	Email from Stoller to Funk RE: Fairness Note to Bob Funk (Deposition Exhibit No. 98)	STE0034101	
143.	7/27/2005	Email from Stoller to Funk RE: Estate Planning Issues; Follow up emails on 9/17/2005 and 10/26/2005 (Deposition Exhibit No. 99)	FUNK039831-FUNK039832	
144.	10/26/2005	Email from Stoller to Funk, copying Richards RE: New Mexico Ranch (Deposition Exhibit No. 100)	ESI0318558	Irrelevant
145.	3/13/2006	Email chain communication between Stoller and Len Cason RE: New Mexico Ranch (Deposition Exhibit No. 101)	UU_BAR0048320	Privileged; Irrelevant; Parol Evidence Rule

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
146.	07/27/2005	Stoller emails to Funk and Cason RE: Estate Planning Issues (Deposition Exhibit No. 102)	STE0093448-STE0093449	Privileged
147.	07/27/2005	Emails from Stoller to Funk RE: Estate Planning Issues (Deposition Exhibit No. 103)	STE0070880-STE0070881	
148.	10/25/2005	Emails from Ex. 103 forwarded by Stoller to Richards (Deposition Exhibit No. 104)	ESI0318492-ESI0318494	
149.	11/2/2005	Emails from Ex. 103 forwarded by Stoller to Richards (Deposition Exhibit No. 105)	ESI0319243-ESI0319245	
150.	3/14/2006	Email from Ex. 103 forwarded from Cason to Richards (Deposition Exhibit No. 106)	ESI0328258-ESI0328261	Privileged; Irrelevant; Hearsay
151.	2/24/2006	Email from Michael Curoe to Richards, copying Brian Newcomer RE: Funk Loan on UU Bar and Mora Ranches; Richards forwarded to Cason (Deposition Exhibit No. 108)	ESI0327898	Irrelevant; Hearsay; Authenticity
152.	2006/2008	Calendars (Deposition Exhibit No. 109)		
153.	12/31/2006	Express Personnel Services Financial Reports as of 12/31/2006, distributed to Richards, Patric, Board Members and Vice Presidents (Deposition Exhibit No. 110)	STE0000720; STE0000773-STE0000777	Irrelevant
154.	12/28/2008	Express Personnel Services Financial Reports as of 12/28/2008, distributed to Richards, Patric, Board Members and Vice Presidents (Deposition Exhibit No. 111)	STE0000844	Irrelevant
155.	8/8/2007	Email chain communication from Stoller to Richards, copying Cason RE: Buy Sell Agreement (Deposition Exhibit No. 112)	ESI0366571-ESI0366572	Irrelevant

No.	Date	Description	Bates Range	Objections
156.	11/12/2007	Email chain communication between Stoller and Richards RE: Cashflow Statement 10/2007 (Deposition Exhibit No. 113)	ESI0375415	
157.	4/18/2011	Stoller Trust Balance Sheet as of 12/31/2010 (Deposition Exhibit No. 114)	STE0029938	Irrelevant
158.	1/22/2009	Stoller Trust Balance Sheet Prec. Year Comparison as of 12/31/2008 (Deposition Exhibit No. 115)	ESI1162596- ESI1162598	Irrelevant
159.	06/24/2009	Stoller Trust Balance Sheet Prev. Year Comparison as of 5/31/2009 (Deposition Exhibit No. 116)	ESI1162593- ESI1162595	Irrelevant
160.	9/22/2012	Fair Market Value of a Nonmarketable, Noncontrolling, Nonvoting Common Stock Interest in Express Services, Inc. as of 1/1/2012, to Cason from Curtis Kimball (Deposition Exhibit No. 117)		Irrelevant; Hearsay
161.	10/5/2010	Email from Jenny Schwenke to Stoller and Nelson, copying Cathy Stoller RE: Gresham; Stoller Group Business Proposal for 11/4/2008 meeting attached (Deposition Exhibit No. 118)	STE0044159- STE0044192	Irrelevant; Hearsay
162.	12/4/2009	Express Services, Inc. Board Meeting Minutes from December 4, 2009 (Deposition Exhibit No. 119)	ESI0962036- ESI0962050	
163.	9/22/2009	Email chain communication from Richards to Marshall Snipes and Robert Barcum, forwarded by Snipes to Stoller and forwarded by Stoller to Gailey (Deposition Exhibit No. 120)	ESI0959971- ESI0959992ESI-	Irrelevant; Hearsay

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
164.	2/1/2010	Email chain communication from Stoller to Snipes RE: Board Meeting including Richards (Deposition Exhibit No. 121)	BLOOMIII-00008610-ESI-BLOOMIII-00008611	Irrelevant; Hearsay
165.	7/28/2010	Email from Snipes to Stoller, copying Richards RE: UPA ownership schedule assuming funding of new loan (Deposition Exhibit No. 122)	STE0057460-STE0057463	Irrelevant; Hearsay
166.	1/28/2009	Promissory Note between Unisource Program Administrators, LLC, and Stoller (Deposition Exhibit No. 123)	ESI0249621-ESI0249623	Irrelevant
167.	8/3/2009	Promissory Note between Unisource Program Administrators and Stoller (Deposition Exhibit No. 124)	ESI0262196-ESI0262198	Irrelevant
168.	9/28/2009	Promissory Note between Unisource Program Administrators and Stoller (Deposition Exhibit No. 125)	ESI0262191-ESI0262192	Irrelevant
169.	7/30/2009	Email from Richards to Stoller RE: Audited Financials (Deposition Exhibit No. 126)	STE0065836	Irrelevant; Hearsay
170.	09/28/2009	Email chain communication from Richards to Stoller RE: UPA, forwarded to Snipes (Deposition Exhibit No. 127)	ESI0949180	Irrelevant; Hearsay
171.	05/26/2009	Promissory Note between Express Services, Inc. and William H. Stoller Trust (Deposition Exhibit No. 128)	ESI0262259-ESI0262261	Irrelevant
172.	4/3/2009	Express Services, Inc. Request to Wire Transfer Funds (with handwritten note) (Deposition Exhibit No. 129)		Irrelevant; Authenticity

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
173.	7/8/2010	Email chain communication from Stoller to Funk and Fellinger, copying Bostwick RE: Future of Express' Workers Comp Program (Deposition Exhibit No. 130)	STE0056166- STE0056168	Irrelevant; Hearsay
174.	10/5/2010	Email chain communication between Patric, Stoller, and Terri Wippell RE: P13-09 Board Report (2) (Deposition Exhibit No. 131)	STE0000780- STE0000842	
175.	4/3/2009	Assignment by Express Hallmark holding Co., LLC, of all the membership units in Unisource Program Administrators, LLC Release, Waiver and Indemnity (Deposition Exhibit No. 132)	ESI0938225- ESI0938230	Irrelevant; Hearsay
176.	9/28/2009	Promissory Note between Snipes and Stoller (Deposition Exhibit No. 133)	STE0036610- STE0036619	Irrelevant
177.	7/26/2011	Email from Stoller to Richards and Snipes RE: Peeble Partnership; Assignment of Percentage Interest and Financing Statement (Deposition Exhibit No. 134)	STE0017247; STE0036680; STE0036758	Irrelevant
178.	12/31/2010	Pledge and Security Agreement between Snipes and Stoller (Deposition Exhibit No. 135)	STE0032203- STE0032204	Irrelevant
179.	12/31/2010	Pledge and Security Agreement between Barcum and Stoller (Deposition Exhibit No. 136)	STE0032205- STE0032206	Irrelevant
180.	1/2008	Express Services, Inc. Service Company (NEWCO) (Deposition Exhibit No. 137)	ESI0697831- ESI0697834	Irrelevant; Hearsay; Authenticity
181.	3/6/2008	Email chain communication from Schwenke to Stoller and wife, Cathy RE: Update on Funk (Deposition Exhibit No. 138)	STE0087316	Irrelevant; Hearsay

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
182.	3/26/2009	Email chain communication from Lynette Olsson to Stoller RE: ESI Relationship, forwarded by Stoller to Richards and Gillogly; letter from Rawlinson to Stoller attached (Deposition Exhibit No. 139)	ESI0410531-ESI0410533	Irrelevant
183.	4/16/2009	Email chain communication from Stoller to Richards RE: Equity group in New York forwarded to Jeff Baker (Deposition Exhibit No. 140)	STE0090071	Irrelevant
184.	4/21/2009	Email chain communication from Richards to Stoller RE: Update (Deposition Exhibit No. 141)	STE0056557	
185.		Handwritten notes RE: worker's comp bill and local groups (Deposition Exhibit No. 142)	STO210500	Irrelevant
186.	5/11/2009	Email chain communication from Unisource Program Administrators to UPA Everyone RE: UPA adds A-rated carrier Amerisafe, forwarded from Richards to Stoller (Deposition Exhibit No. 143)	ESI0412536-ESI0412537	Irrelevant; Hearsay
187.	6/1/2009	Email from Joyce Coleson to Boutwell, Gillogly, Nikki Jones, Kirk, Richards, Cason RE: Memo to Bob Funk, et al., forwarded by Richards to Stoller (Deposition Exhibit No. 144)	ESI0413345-ESI0413346	Irrelevant; Hearsay
188.		Summary Term Sheet for Investment in Express Services, Inc. and Affiliates (Deposition Exhibit No. 145)	ESI0777565	Irrelevant; Hearsay; Authenticity
189.	6/10/2009	Email from Vincent Orza to Michael Gardner RE: conversation with Snipes regarding Express Personnel (Deposition Exhibit No. 146)	BAYTREE000082	Irrelevant; Hearsay



<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
190.	6/11/2009	Email chain communication from Stoller to Richards RE: Development Credit (Deposition Exhibit No. 147)	ESI0416163	Irrelevant; Hearsay
191.	7/24/2009	Email from Richards to Stoller RE: EXOP DOC.pdf Newco transactions (Deposition Exhibit No. 148)	STE0066778- STE0066792	Irrelevant; Hearsay
192.	8/3/2009	Email chain communication from Richards to Stoller RE: NY Schedule (Deposition Exhibit No. 149)	STE0080456	Irrelevant; Hearsay
193.	8/17/2009	Email from Cicogna Gianluca to Stoller, copying Michael Gardner RE: Consulting Agreement; Baytree Capital letter attached (Deposition Exhibit No. 150)	STO206811- STO206816	Irrelevant; Hearsay
194.	8/17/2009	Letter of Intent from Baytree Capital to Stoller RE: restructuring Express to enhance shareholder value (Deposition Exhibit No. 151)	BAYTREE000346 - BAYTREE000354	Irrelevant; Hearsay
195.	8/12/2009	Email from Cicogna to Orza copying Paul Goodman, Colleen Delany, Mary Baker, Michael Gardner and Yangging Shi RE: Draft LOI for Express (Deposition Exhibit No. 152)	BAYTREE000007 - BAYTREE000012	Irrelevant; Hearsay
196.	8/2009	Discussion Materials for Express Services, Inc. (Deposition Exhibit No. 153)	ESI0777566- ESI0777578	Irrelevant; Hearsay; Authenticity
197.	8/13/2009	Email from Bob Horne to Richards, Adam Lehrhoff and David Affinito RE: Yesterday's Breakfast (Deposition Exhibit No. 154)	ZSFUND000844	Irrelevant
198.	8/17/2009	Email chain communication between Cicogna and Stoller, copying Michael Garder. RE: Consulting expert (Deposition Exhibit No. 155)	STE0091960- STE001961	Irrelevant; Hearsay

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
199.	8/28/2009	Letter from Rocky Dixon to Stoller RE: proposal to recapitalize Express Services, Inc. (with handwritten notes) (Deposition Exhibit No. 156)	STO211018-STO211021	Irrelevant; Authenticity
200.	12/16/2009	Email chain communication from Adam Lehrhoff to Stoller and Richards RE: follow up; Horne and Affinito later copied in (Deposition Exhibit No. 157)	ZSFUND000751-ZSFUND000753	Irrelevant
201.	8/9/2010	Email chain communication from Stoller to Horne RE: Express Oklahoma, Lehrhoff copied in (Deposition Exhibit No. 158)	STE0075595-STE0075596	Irrelevant; Hearsay
202.	7/16/2009	Email from Richards to Stoller RE: Agreement (Deposition Exhibit No. 162)	ESI0417453-ESI0417460	Irrelevant; Hearsay
203.	9/4/2010	Email chain communication from Arthur Rahill to Bostwick, copying Stoller RE: Stoller third quarter estimates (Deposition Exhibit No. 165)	STE0018364	Hearsay
204.	10/12/2010	Memorandum Opinion and Order (Deposition Exhibit No. 166)	STE0036379	Irrelevant
205.		Message from Stoller to Express Services, Inc. Employees and Franchisees (Deposition Exhibit No. 167)	STE0037663	Irrelevant
206.	6/28/2010	Email from Lane to Funk, Fellingner, Craig, Stoller, Gillogly, Gibson, Keating, Bostwick, Gailey RE: Counsel on behalf of Express (Deposition Exhibit No. 168)	STE0068066	
207.	2/16/2010	Email from Rawlinson to Morgan and Corbyn RE: Compensation Interviews (Deposition Exhibit No. 170)	FUNK_E_013061-FUNK_E_013063	

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
208.	11/23/2010	Email chain communication from Voss to Funk and Stoller, copying Rupert, Rawlinson and Gardner RE: Executive Compensation Review (Deposition Exhibit No. 171)	STE0041119	
209.	12/21/1986	Letter agreement between Express Services, Inc. and Stoller (Deposition Exhibit No. 172)	STE0010028	
210.	4/12/2006	Email chain communication between Richards, Stoller, and Patric RE: Agreement Stoller (Deposition Exhibit No. 174)	ESI0687871- ESI0687872	Irrelevant; Hearsay
211.	4/12/2006	Email from Jenifer O'Toole to Richards RE: Agreements for Stoller and Funk (Deposition Exhibit No. 175)	ESI0330043- ESI0330045	Irrelevant; Hearsay
212.	7/8/2010	Email from Stoller to Richards and Fellingner, copying Rupert, Morgan, Corbyn RE: Proposed ESI board resolution (Deposition Exhibit No. 176)	FUNK_E_013298- FUNK_E_013300	
213.	3/26/2009	Email from Olsson to Stoller RE: ESI Relationship, forwarded to Richard and Gillogly (Deposition Exhibit No. 177)	STE0089950- STE0089952	Irrelevant
214.	9/24/2009	Minutes from Express Services, Inc. Board Meeting 9/24/2009 (Deposition Exhibit No. 178)	STE0064445- STE0064455	Irrelevant; best evidence rule
215.	9/22/2011	Minutes from Board of Directors Meeting 9/22/2011 Executive Session (Deposition Exhibit No. 183)	REF-005206- REF-005211	
216.	4/2/2003	Minutes of the meeting of the Shareholders of Express Services, ESI (Deposition Exhibit No. 185)	STE0092739	Irrelevant
217.	3/23/2003	Financial Reports of Express Personnel Services as of 3/23/2003 (Deposition Exhibit No. 186)		Irrelevant

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
218.	9/22/2011	Board of Directors Meeting Transcript Summary Index (Deposition Exhibit No. 187)	REF-005104-REF-005205	
219.	2009-2012	Handwritten Notes RE: Net Earnings and Stockholder's Equity (Deposition Exhibit No. 188)		Irrelevant; Authenticity
220.	12/30/2012	Express Services, Inc. Consolidated Financial Report (Deposition Exhibit No. 189)	ESI0982731-ESI0982756	Irrelevant
221.	12/25/2011-12/26/2010	Express Services, Inc. and Subsidiaries Consolidated Financial Statements (Deposition Exhibit No. 190)	FUNK_E_000328-FUNK_E_000355	Irrelevant
222.	12/27/2009	Express Employment Professionals Financial Reports as of 12/27/2009 (Deposition Exhibit No. 191)	ESI0975407-ESI0975464	Irrelevant
223.	12/26/2010-12/27/2009	Express Services, Inc. and Subsidiaries Consolidated Financial Statements and Supplemental Systemwide Information (Deposition Exhibit No. 192)	FUNK_E_000882-FUNK_E_00906	Irrelevant
224.	7/15/2013	Bylaws of Express Development Corporation, Inc. (Deposition Exhibit No. 202)	000910-000932	Irrelevant
225.	9/5/2010	Email from Rupert to Rawlinson, Corbyn, Merley, Gardner, Chilton and Craig, copying Morgan RE: ESI, 3-5-10 recommendations (Deposition Exhibit No. 204)	STO202412-STO202421	
226.	2/1/2010	Consulting Agreement between Express Services, Inc. and Richards Ventures, LLC (Deposition Exhibit No. 205)	ESI0000856-ESI0000866	
227.	12/1/2004	Document Info Re: Interest on shareholder loans 10/31/2004 (Deposition Exhibit No. 206)	ESI0005405 (only first page contains Bates Number)	

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
228.	09/24/2009	Express Services, Inc. Executive Board Meeting Minutes from 9/24/2009 (Deposition Exhibit No. 207)	STO201771- STO2011782	
229.	6/28/2006	Various email communication RE: UUBar note payments (Deposition Exhibit No. 221)	ESI 0332678; ESI 0275326- ESI 0275329; FUNK_E_012615; ESI0348212; ESI0355046; ESI0923252; ESI0894399; ESI0894400- ESI0894401; ESI-0894412- ESI-0894414; ESI-236887	
230.	7/26/2006	Email chain communication from Richard Herbst to Richards and Funk, copying Brad Cottrell and Brian Newcomer RE: Express Ranches Indicative Termsheet July 26 <sup>th</sup> 2006 (Deposition Exhibit No. 222)	FUNK-001030	Hearsay
231.		ESI UU Bar Swap Payments and Date of Payments (Deposition Exhibit No. 223)	ESI0782154	Irrelevant; Hearsay; Authenticity
232.	8/28/2009	Email from Richards to Morgan and Rupert RE: Contact info (Deposition Exhibit No. 224)	ESI0419667	
233.	3/10/2010	Email from Richards to Funk RE: Interest rate swap (Deposition Exhibit No. 225)	FUNK-001829	
234.	7/10/2009	Notes from conference call- Express Opportunities (Colleen Delaney on call with Richards) (with underlining) (Deposition Exhibit No. 226)	BAYTREE000002 - BAYTREE000001	Irrelevant; Hearsay
235.	10/1/2008	Memo to Funk and Stoller from Richards RE: changes at Express (Deposition Exhibit No. 227)	STE0094417- STE0094418	Irrelevant; Hearsay

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
236.	3/17/2010	Email from Richards to Funk RE: Lawyer discussions, Funk forwarded to Fellingner (Deposition Exhibit No. 228)	ESI0859167	Irrelevant; Hearsay; Speculation
237.	1/8/2010	Email from Stoller to Richards and Fellingner, copying Rupert, Morgan and Corbyn RE: Proposed ESI board resolution (Deposition Exhibit No. 229)	FUNK_E_13297- FUNK_E_13300	
238.	12/3/2009	Email from Rupert to Richards, Fellingner, Craig, copying in Morgan RE: ESI board issues 12/4/09 (Deposition Exhibit No. 230)	JCRAIG000455- JCRAIG000458	
239.	12/28/2008	Express Employment Professionals Financial Reports as of 12/28/2008 (Deposition Exhibit No. 231)	ESI195982- ESI0196038	Irrelevant
240.	10/1/2009	Letter from Morgan to Craig RE: Legal Representation (Deposition Exhibit No. 239)	CD02031- CD02033	
241.	12/4/2009	Report from Rupert and Morgan to ESI Boart of Directors (Deposition Exhibit No. 241)	STE0067678- STE0067680	Hearsay; Authenticity
242.	5/5/2010	Email from Brett Liles to McSpadden RE: Express Services Guaranty-UU Bar Ranch Debt, forwarded to Morgan and Rupert (Deposition Exhibit No. 252)	CD00410- CD00412	Irrelevant; Hearsay; Legal conclusion
243.	6/4/2010	Memo to Morgan from McSpadden and Liles RE: Express Services, Inc. (Deposition Exhibit No. 253)	CD01383- CD01385	
244.	6/4/2010	Email chain communication from Liles to Morgan, copying in McSpadden RE: Memorandum RE: ESI's Guaranty Obligations, forwarded to Rupert (Deposition Exhibit No. 254)	CD00727- CD00729	Irrelevant; Hearsay; Legal conclusion

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
245.	5/30/2014	Affidavit of Andrea D. Boutwell (Deposition Exhibit No. 261)		Hearsay
246.	1/1/2013	Express Services Inc. Employment Agreement between Express Services, Inc. and D. Keith McFall (Deposition Exhibit No. 304)	ESI1173722-ESI1173737	
247.	4/10/2002	Email from Stoller to Funk (no subject) (with handwritten notes) (Deposition Exhibit No. 305)	FUNK039739	
248.	4/27/2009	Express Franchise Agreement from Derby Kansas (Deposition Exhibit No. 311)	ESI1175340-ESI1175399	
249.	10/29/2009	Memo from Corbyn, Tippens and Merkley to Rupert and Morgan, copying Rawlinson, Fellingner and Richards RE: Your Preliminary Report to the Board of Directors of Express Services, Inc., dated 9/24/2009, and Stoller's Response dated 10/1/2009 (Deposition Exhibit No. 312)	FUNK_E_013744-FUNK_E_013752	
250.	3/19/2010	Email from Tricia Veatch to Funk RE: Shortfall Report, forwarded to Stoller (Deposition Exhibit No. 315)	ESI 0782045-ESI 0782046	
251.	8/14/2009	Email from Richards to Funk RE: NY meetings (with handwritten notes) (Deposition Exhibit No. 317)	FUNK039808	
252.	2/3/2010	Minutes from the Annual Meeting of the Board of Directors (Deposition Exhibit No. 318)	ESI0004328-ESI0004358	
253.	11/23/2010	Benjamin Voss Email to Bob Funk and Bill Stoller RE: Executive Compensation Review (Deposition Exhibit No. 356)	STO203252-STO203259	

No.	Date	Description	Bates Range	Objections
254.	3/15/2006	Adjustable Interest Rate Promissory Note (Deposition Exhibit No. 390)		
255.	3/15/2006	New Mexico Mortgage, Security Agreement and Financing Statement (Deposition Exhibit No. 391)	STO205121-STO205154	
256.	2/14/2007-2/17/2007	Bill Stoller and Dave Gillogly email chain (Deposition Exhibit No. 393)	STE0085908-STE0085909	
257.	1/6/2009	Memorandum of Understanding to Dave Gillogly from Bob Funk (Deposition Exhibit No. 394)	STE0001464-STE0001466	
258.	6/24/2011	Dave Gillogly handwritten letter to Bob Funk (Deposition Exhibit No. 401)		Hearsay; Authenticity
259.	9/22/2004	Stoller email to Funk	STE0034101	
260.	10/26/2005	Stoller email to Funk	ESI0318558	Irrelevant
261.	10/26/2005	Stoller email to Funk	FUNK039831	
262.	3/1/2006	Stoller email to Funk	STE0093365	Irrelevant
263.	3/12/2006	Stoller email chain with Cason	STE0063711	Privileged; Irrelevant
264.	03/15/2006	Jennifer O'Toole Fax to Stoller	FUNK 039709-FUNK 039712	Irrelevant
265.	03/15/2006	Jennifer O'Toole for Len Cason fax to Stoller	FUNK 039673-FUNK 039681	Irrelevant
266.	03/15/2006	Jennifer O'Toole fax to Len Cason	FUNK 039687-FUNK 039690	Irrelevant
267.	03/15/2006	Len Cason fax to Jennifer O'Toole	FUNK 039682-FUNK 039686	Irrelevant
268.		Dockets of Derivative Action and Direct Action in <i>Stoller v. Funk</i> USDC WD Okla		Irrelevant
269.	10/12/2010	Order by Judge Cauthron dismissing Plaintiff Complaint in the Direct Action		Irrelevant
270.		Bill Stoller's Responses to Interrogatory Requests		Irrelevant



No.	Date	Description	Bates Range	Objections
271.		Expert witness report of David Payne and attachments (Deposition Exhibit No. 459)		Pl. Mot. to Exclude Testimony of David Payne (Doc. #168); Hearsay
272.		Expert witness report of Duke Ligon and attachments		Pl. Mot. to Exclude Testimony of Duke Ligon (Doc. #169); Hearsay
273.		Expert Witness report of Marc Steinberg and attachments (Deposition Exhibit No. 464)		Pl. Mot. to Exclude Testimony of Marc Steinberg (Doc. #175); Hearsay
274.		American Heritage Dictionary Definition of "use" (Deposition Exhibit No. 427)		Irrelevant
275.	7/5/2012	Miller Nash (Jeff Sagalowicz) letter to Merkley (Deposition Exhibit No. 432)		Irrelevant
276.	7/5/2012	Miller Nash (Sagalowitz) letter to Merkley (Deposition Exhibit No. 441)		Irrelevant
277.		Fellinger Proposed Board Resolutions (Deposition Exhibit Nos. 444-451)		
278.		<i>Funk v. Funk</i> Automatic Temporary Injunction		Irrelevant; Hearsay; Authenticity
279.		Hartzog Conger and Cason invoice for legal services		Stoller reserves his right to object when defendant identifies Exhibit per request made 1/14/14

No.	Date	Description	Bates Range	Objections
280.		ESI board meeting and executive session agendas, minutes, transcripts, proposed resolution, results of voting		Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14
281.		ESI Financial Statements, both audited and internal		Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14
282.		ESI Board Packets		Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14
283.		Stoller Balance Sheets		Stoller reserves his right to object when defendant identifies exhibit per request made 1/14/14
284.	3/26/2009	Management Rep Letter from auditors	ESI 0673459	Irrelevant
285.	6/20/2007	Stoller Funk email chain	STO211724-STO211725	
286.	8/9/2007	Richards, Cason and Stoller email chain	ESI 0366498-ESI 0366501	Irrelevant
287.	1/10/2007	Richards Stoller email chain	ESI 0428128	Irrelevant
288.	4/12/2006	Richard Stoller email chain	ST 0094618	Hearsay
289.	11/24/2010	Stoller email to Benjamin Voss (Deposition Exhibit 171)	STE0041119	
290.		All documents produced in discovery not objected to by Defendant Funk		Plaintiff incorporates objection to exhibits offered by other parties

<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>	<b>Objections</b>
291.		All documents requested by Defendant Funk but not yet produced by Plaintiff, not objected to by Defendant Funk		Plaintiff reserves the right to object when exhibits are identified
292.		All documents identified or requested in discovery not objected to by Defendant Funk		Plaintiff reserves the right to object when exhibits are identified
293.		All discovery responses submitted in this matter to the extent not objected to by Defendant Funk		Plaintiff incorporates all of plaintiff's objections identified in discovery requests
294.		All deposition transcripts in this case and all exhibits thereto, to the extent relevant admissible and not objected to by Defendant Funk		Irrelevant; Hearsay; Plaintiff incorporates all of plaintiff's objections identified in discovery requests
295.		All expert reports, exhibits and attachments thereto, to the extent relevant, admissible and not objected to by Defendant Funk		Irrelevant; Hearsay; Plaintiff incorporates all of plaintiff's objections identified in discovery requests
296.		All demonstrative exhibits or expert exhibits submitted by the parties, to the extent relevant, admissible and not objected to by Defendant Funk		Plaintiff incorporates objection to demonstratives when they are identified

No.	Date	Description	Bates Range	Objections
297.		All timelines and summaries, to the extent relevant, admissible and not objected to by Defendant Funk		Plaintiff incorporates objection to timelines and summaries when they are identified
298.		All exhibits identified by Plaintiff, to the extent relevant, admissible and not objected to by Defendant Funk		
299.		All documents listed as exhibits by Defendants Craig, Fellingner or ESI and not objected to by the Defendant		Plaintiff incorporates objection to exhibits offered by other parties

DATED this 24th day of January, 2014.

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**CERTIFICATE OF SERVICE**

☒ I hereby certify that on January 24, 2014, I electronically transmitted Plaintiff's Objections to Funk Defendants' Final Exhibit List to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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